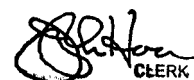


FILED

JUN 19 2007


CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

UNITED STATES OF AMERICA,

CR 87-10004-02

Plaintiff,

ORDER AND OPINION

-VS-

REBECCA LEFT HAND,

Defendant.

Defendant pleaded guilty to embezzlement of tribal funds in CR 87-10004-02 and was sentenced on August 28, 1987. She has filed a petition to "expunge her record."

Defendant has cited no statutory authority for expungement so this court's jurisdiction to expunge defendant's conviction "could arise only from the exercise of ancillary jurisdiction incidental to the court's original jurisdiction over the underlying criminal prosecution pursuant to 18 U.S.C. § 3231." United States v. Meyer, 439 F.3d 855, 859 (8th Cir. 2006). This court "does not have ancillary jurisdiction to expunge a criminal record based solely on equitable grounds." *Id.* at 860. Prior to Meyer, where jurisdiction was exercised to consider a motion to expunge, the Eighth Circuit had held that the inherent equitable power to expunge was available only in extraordinary circumstances. Geary v. United States, 901 F.2d 679, 679 (8th Cir. 1990). The Eighth Circuit held in Meyer that the district courts may continue to have ancillary jurisdiction to expunge criminal records "in extraordinary cases to preserve its ability to function successfully by enabling it to correct an injustice caused by an illegal or invalid criminal proceeding." United States v. Meyer, 439 F.3d at 861-62. Defendant has not, however, alleged that her conviction was invalid or illegal.

Now, therefore,

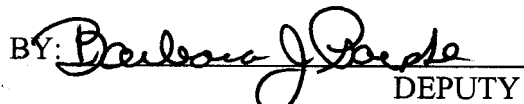
IT IS ORDERED that defendant's petition to expunge her 1987 conviction in CR 87-10004-02 is denied.

Dated this 19th day of June, 2007.

BY THE COURT:


CHARLES B. KORNMANN
U.S. District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: 
DEPUTY
(SEAL)